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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/674,934
Filing Date: September 29, 2003
Appellant(s): LONG, MARK CHRISTOPHER

MAILED

OCT 29 2007

Technology Center 2100

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on May 2, 2007, appealing from the Office action mailed February 7, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is incorrect.

Claims 1-31 were pending in this application and were finally rejected in the Final Office Action mailed on February 7, 2007.

Rejection of claims 1-9 is withdrawn.

Claims 10-31 are the subject of this appeal.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejections to be Reviewed on Appeal

The Appellant's statement of grounds of rejection to be reviewed on appeal is incorrect because claims 10-31 are rejected under U.S.C. 102(e) as being anticipated by Haynes (U.S. Patent Application Publication Number 2005/0261986).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0261986 Haynes

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 10-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Haynes et al., (hereinafter "Haynes") (U.S. Patent Application Publication Number 2005/0261986).

As per claim 10, Haynes is directed to a computer-implemented method of matching vehicle ratings to rental equipment using a central database (Haynes, Paragraph 0015), comprising:

"receiving a description of a vehicle from a user" (Haynes, Paragraph 0053, i.e., *a web server 12 and .. to respective web browsers of each computer associated with each respective user*; Paragraph 0052, i.e., *The computer-based system 10 includes a server for processing **user inputs** form user's **computer to provide expert-based guidance to rent a selected truck***; Paragraph 0052, i.e., *The service responds to the user inputs by accessing a respective data set **corresponding to user inputs***; Paragraph 0054, i.e.,(b) *towing accessories that can be rented and towed vehicles with which the towing accessories can be used*; Paragraph 0054, i.e., *The first program module may also access the information on the **towability of a vehicle** from a towing table*);

"searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information" (Haynes, Paragraph 0053, i.e., *processing user inputs and for accessing a memory storing a plurality of data sets*; Haynes, Paragraph 0053, i.e., *a web server 12 and .. to respective web browsers of each computer associated with each respective user*; Paragraph 0052, i.e., *The computer-based system 10 includes a server for processing **user inputs** form user's computer to provide expert-based guidance to rent a selected truck*; Paragraph 0052, i.e., *The service responds to the user inputs by accessing a respective data*

set corresponding to user inputs; Paragraph 0054, i.e.,(b) **towing accessories that can be rented and towed vehicles with which the towing accessories can be used;** Paragraph 0054, i.e., *The first program module may also access the information on the towability of a vehicle from a towing table*)

“wherein the computer-implemented method selects the equipment based on compatible attributes between the equipment and vehicle information, including **at least one** attribute from the group consisting of the height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity” (Haynes, Paragraph 0052, i.e., *a plurality of user-accessible data sets of truck-related information including types of trucks and associated rental prices;* Paragraph 0054, i.e.,(b) **towing accessories that can be rented and towed vehicles with which the towing accessories can be used;** Paragraph 0054, i.e., *The first program module may also access the information on the towability of a vehicle from a towing table;* Paragraph 0054, i.e., *A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing truck types, sizes, and cost for rental;* Paragraph 0058, i.e., *The towing table 34 may store data structures shown, for example, in FIG.30 for retaining vehicle, such as the sample towability records for specific vehicles in FIGS. 31A-31C which use data codes and comments shown in FIG. 32 for providing towability advice;* Paragraph 0059, i.e., *The expertise-based data set includes a table 34 of vehicle towing information. Through an Internet browser and respective ISP, a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the*

select vehicle is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle, with such towing advice indications being sent to the user's computer through the communication interface; Haynes, FIG 32, i.e., too wide, check wheelbase, drive line too difficult disconnect, tires too large/small, check ground clearance, disconnect drive shaft, wheelbase too long); and

"sending a listing of the compatible equipment to the user" (Haynes, Paragraph 0058, i.e., with such towing advice indications being sent to the user's computer through the communication interface).

As per claim 11, Haynes teaches the limitation:

"further including the step of storing vehicle information and equipment information on the central database" (Haynes et al., Paragraph 0054, i.e., A first program module which may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database ... and Figure 1: Backend and Truck Information 28).

As per claim 12, Haynes teaches the limitation:

"further including the step of providing a webpage for the user to specify the description of the vehicle" (Haynes, Paragraph 0053, i.e., a web server 12 and .. to respective web browsers of each computer associated with each respective user; and FIG., 31A, FIG., 31B, FIG., 31C; Haynes, Paragraph 0053, i.e., a web server 12 and .. to respective web browsers of each computer associated with each respective user; Paragraph 0052, i.e., The computer-based system 10 includes a server for processing user inputs form user's computer to provide expert-based guidance to rent a

selected truck; Paragraph 0052, i.e., *The service responds to the user inputs by accessing a respective data set **corresponding to user inputs***).

As per claim 13, Haynes teaches the limitation:

“further including the step of displaying the compatible rental equipment on the website for the user” (Haynes et al., Paragraph 0058, i.e., *The towing table 34 may store data structures shown, for example, in Fig. 30, for retaining vehicle information, such as the sample towability records for specific vehicles... and a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the selected is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle...*).

As per claim 14, Haynes teaches the limitation:

“wherein the description of the vehicle includes make, model, and year of the vehicle” (Haynes, FIG., 31A, FIG., 31B, FIG., 31C).

As per claim 15, Haynes teaches the limitation:

“wherein the vehicle information in the central database includes physical characteristics of the vehicle (Haynes et al., Paragraph 0054, i.e. “truck types, sizes...” etc.; FIG., 31A, FIG., 31B, FIG., 31C; and Paragraph 0054, i.e., *A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing **truck types, sizes, and cost for rental***).

As per claim 16, Haynes teaches the limitation:

"wherein the physical characteristics of the vehicle include height, width, length, weight, and ground clearance. (Haynes et al., Paragraph 0054, i.e. "truck types, sizes..." etc.,; FIG., 31A, FIG., 31B, FIG., 31C; and Paragraph 0054, i.e., *A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing **truck types, sizes,** and cost for rental; and Haynes, FIG 32, i.e., **too wide**, check wheelbase, drive line too difficult disconnect, tires too large/small, **check ground clearance**, disconnect drive shaft, wheelbase too long*).

As per claim 17, Haynes teaches the limitation:

"wherein the physical characteristics of the vehicle are compared to physical characteristics of the rental equipment to determine compatibility between the vehicle and the rental equipment" (Haynes et al., Paragraph 0058, i.e., "The towing table 34 may store data structures shown, for example, in Fig. 30, for retaining vehicle information, such as the sample towability records for specific vehicles..." and "a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the selected is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle...").

As per claim 18, Haynes teaches the limitation:

“wherein the central database resides on a first computer system” (Haynes, Figure 1: *Backend and Truck Information 28*).

As per claim 19, Haynes teaches the limitation:

“entering the description of the vehicle on a second computer system remote from the first computer system; sending the description of the vehicle to the first computer system through a communication network, sending a listing of the compatible rental equipment to the second computer system through the communication network, and displaying the listing of the compatible rental equipment on the second computer system” (Haynes, Paragraph 0052, i.e., *The computer-based system 10 includes a server for processing **user inputs** form user’s computer to provide expert-based guidance to rent a selected truck*). Note that the method and system of Haynes is a web-based system. Therefore, there is at least a web server connected to the backend server (first computer) and the user’s computer where a web browser is run to make reservation for rental equipment.

As per claim 20, Haynes teaches the limitation:

“determining a need for additional information based on a search of the central database with the description of the vehicle and requesting the additional information from a user operating the second computer system”. Official note is taken that requesting for information, which is additionally needed for a search, is notoriously well known in the art. Also see paragraph 0052 of Haynes.

Claim 21, 22, 23, and 24 are rejected on the same basis as claim 10, 14, 15, and 17 respectively.

Claim 25, 26, 27, 28, 29, 30 and 31 are rejected on the same basis as claim 10, 15, 17, 18, 10, and 17 respectively.

(10) Response to Arguments

Discussion of the Rejection of Claims 10-31

Referring to claim 10, Applicant argued that *The Haynes reference dose not teach or suggest searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information. Haynes does not use a computer-implemented method that selects the equipment based on compatible attributes between the equipment and vehicle information, including at least one attribute from the group consisting of height of the vehicle and hitch assembly, length, and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity* (Applicant's argument in Appeal Brief page 19 last paragraph through page 20 first paragraph).

In response, it is pointed out that the Haynes reference dose teach "searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information" in paragraph 0052 as "*The computer-based system 10 includes a server for processing **user inputs** form user's computer to provide expert-based guidance to rent a selected truck*", in Paragraph 0052 as "***The service responds to the user inputs by accessing a respective data set corresponding to user inputs***", in Paragraph 0054 as "(b) towing accessories

that can be rented and towed vehicles with which the towing accessories can be used", in Paragraph 0054 as *"The first program module may also access the information on the towability of a vehicle from a towing table"*. Additionally, Haynes teaches a computer-implemented method that "selects the equipment based on compatible attributes between the equipment and vehicle information, including **at least one attribute from the group** consisting of height of the vehicle and hitch assembly, length, and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity" in Paragraph 0052 as *"a plurality of user-accessible data sets of truck-related information including types of trucks and associated rental prices"*, in Paragraph 0054, as",(b) *towing accessories that can be rented and towed vehicles with which the towing accessories can be used*", in Paragraph 0054 as *"The first program module may also access the information on the towability of a vehicle from a towing table"*, in Paragraph 0054 as *"A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing truck types, sizes, and cost for rental"*, in Paragraph 0058 as *"The towing table 34 may store data structures shown, for example, in FIG.30 for retaining vehicle, such as the sample towability records for specific vehicles in FIGS. 31A-31C which use data codes and comments shown in FIG. 32 for providing towability advice"*, in Paragraph 0059 as *"The expertise-based data set includes a table 34 of vehicle towing information. Through an Internet browser and respective ISP, a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the select vehicle is capable of being towed by the selected truck, and to generate a towing*

advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle, with such towing advice indications being sent to the user's computer through the communication interface" and in FIG 32 as "too wide, check wheelbase, drive line too difficult disconnect, tires too large/small, check ground clearance, disconnect drive shaft, wheelbase too long".

Still referring to claim 10, Applicant argued that *Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer comparison of the rental equipment information to the vehicle information* (Applicant's argument in Appeal Brief Page 20 last paragraph).

In response, it is pointed out that Haynes teaches "searching the central database based on the vehicle information retrieved from the central database" (Haynes, Paragraph 0053, i.e., *processing user inputs and for accessing a memory storing a plurality of data sets; Haynes, Paragraph 0053, i.e., a web server 12 and .. to respective web browsers of each computer associated with each respective user; Paragraph 0052, i.e., The computer-based system 10 includes a server for processing **user inputs** form user's computer to provide expert-based guidance to rent a selected truck; Paragraph 0052, i.e., **The service responds to the user inputs by accessing a respective data set corresponding to user inputs**) "to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer comparison of the rental equipment information to the vehicle information" (Haynes, Paragraph 0052, i.e., **The service responds to the user inputs by accessing a respective data set corresponding to user inputs**; Paragraph 0054, i.e.,(b) *towing accessories that can be rented and **towed vehicles with which the towing accessories can be used***; Paragraph 0054, i.e., *The first program module may also**

access the information on the **towability of a vehicle** from a towing table). Therefore, claim 10 is not patentably distinguishable over the Haynes reference.

Referring to claims 11-20, Applicant argued that *Claims 11-20 are believed to be in condition for allowance as each is dependent from an allowable base claim* (Applicant's argument in Appeal Brief page 21 last paragraph through page 22 first paragraph).

In response, it is pointed out that since the base claim 10 is not patentable, all the dependent claims which are dependent from said base claim are not allowable.

Referring to claim 21, Applicant argued that *The Haynes reference does not teach or suggest searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information. Haynes does not use a computer-implemented method that selects the equipment based on compatible attributes between the equipment and vehicle information* (Applicant's argument in Appeal Brief page 23 second paragraph).

In response, it is pointed out that the Haynes reference does teach "searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information" in paragraph 0052 as "*The computer-based system 10 includes a server for processing **user inputs** from user's computer to provide expert-based guidance to rent a selected truck*", in Paragraph 0052 as "***The service responds to the user inputs by accessing a respective data set corresponding to user inputs***", in Paragraph 0054 as "....(b) towing accessories that can be rented and **towed vehicles with which the towing accessories can be used**", in Paragraph 0054 as "*The first program module may also access the*

*information on the **towability of a vehicle** from a towing table". Additionally, Haynes teaches a computer-implemented method that "selects the equipment based on compatible attributes between the equipment and vehicle information" in Paragraph 0052 as "a plurality of user-accessible data sets of truck-related information including **types of trucks** and associated rental prices", in Paragraph 0054, as",(b) towing accessories that can be rented and **towed vehicles with which the towing accessories can be used**", in Paragraph 0054 as "The first program module may also access the information on the **towability of a vehicle** from a towing table", in Paragraph 0054 as "A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing **truck types, sizes, and cost for rental**", in Paragraph 0058 as "The towing table 34 may store data structures shown, for example, in FIG.30 for retaining vehicle, such as the sample **towability** records for specific vehicles in FIGS. 31A-31C which use data codes and comments shown in FIG. 32 for providing towability advice", in Paragraph 0059 as "The expertise-based data set includes a table 34 of vehicle towing information. Through an Internet browser and respective ISP, a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the select vehicle is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle, with such towing advice indications being sent to the user's computer through the communication interface" and in FIG 32 as "too wide, check wheelbase, drive line too difficult disconnect, tires too large/small, check ground clearance, disconnect drive shaft, wheelbase too long".*

Still referring to claim 21, Applicant argued that *Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer comparison of the rental equipment information to the vehicle information* (Applicant's argument in Appeal Brief Page 23 last paragraph).

In response, it is pointed out that Haynes teaches "searching the central database based on the vehicle information retrieved from the central database" (Haynes, Paragraph 0053, i.e., *processing user inputs and for accessing a memory storing a plurality of data sets; Haynes, Paragraph 0053, i.e., a web server 12 and .. to respective web browsers of each computer associated with each respective user; Paragraph 0052, i.e., The computer-based system 10 includes a server for processing **user inputs** form user's computer to provide expert-based guidance to rent a selected truck; Paragraph 0052, i.e., **The service responds to the user inputs by accessing a respective data set corresponding to user inputs**) "to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer comparison of the rental equipment information to the vehicle information" (Haynes, Paragraph 0052, i.e., **The service responds to the user inputs by accessing a respective data set corresponding to user inputs**; Paragraph 0054, i.e.,(b) **towing accessories that can be rented and towed vehicles with which the towing accessories can be used**; Paragraph 0054, i.e., *The first program module may also access the information on the **towability of a vehicle** from a towing table*). Therefore, claim 21 is not patentably distinguishable over the Haynes reference.*

Referring to claims 22-24, Applicant argued that *Claims 22-24 are believed to be in condition for allowance as each is dependent from an allowable base claim*

(Applicant's argument in Appeal Brief page 24 last paragraph through page 25 first paragraph).

In response, it is pointed out that since the base claim 21 is not patentable, all the dependent claims which are dependent from said base claim are not allowable.

Referring to claim 25, Applicant argued that *The Haynes reference does not teach or suggest means for searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information. Haynes does not use a computer-implemented comparison that selects the equipment based on compatible attributes between the equipment and vehicle information* (Applicant's argument in Appeal Brief page 26 second paragraph).

In response, it is pointed out that the Haynes reference does teach "means for searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information" in paragraph 0052 as "*The computer-based system 10 includes a server for processing **user inputs** from user's computer to provide expert-based guidance to rent a selected truck*", in Paragraph 0052 as "***The service responds to the user inputs by accessing a respective data set corresponding to user inputs***", in Paragraph 0054 as "....(b) *towing accessories that can be rented and **towed vehicles with which the towing accessories can be used***", in Paragraph 0054 as "*The first program module may also access the information on the **towability of a vehicle** from a towing table*". Additionally, Haynes teaches a computer-implemented method that "selects the equipment based on compatible attributes between the equipment and vehicle information" in

Paragraph 0052 as “a plurality of user-accessible data sets of truck-related information including **types of trucks** and associated rental prices”, in Paragraph 0054, as”,(b) towing accessories that can be rented and **towed vehicles with which the towing accessories can be used**”, in Paragraph 0054 as “The first program module may also access the information on the **towability of a vehicle** from a towing table”, in Paragraph 0054 as “A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing **truck types, sizes, and cost for rental**”, in Paragraph 0058 as “The towing table 34 may store data structures shown, for example, in FIG. 30 for retaining vehicle, such as the sample **towability** records for specific vehicles in FIGS. 31A-31C which use data codes and comments shown in FIG. 32 for providing towability advice”, in Paragraph 0059 as “The expertise-based data set includes a table 34 of vehicle towing information. Through an Internet browser and respective ISP, a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the select vehicle is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle, with such towing advice indications being sent to the user's computer through the communication interface” and in FIG 32 as “too wide, check wheelbase, drive line too difficult disconnect, tires too large/small, check ground clearance, disconnect drive shaft, wheelbase too long”.

Still referring to claim 21, Applicant argued that Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-

specified vehicle by a computer comparison of the rental equipment information to the vehicle information (Applicant's argument in Appeal Brief Page 26 last paragraph).

In response, it is pointed out that Haynes teaches "searching the central database based on the vehicle information retrieved from the central database" (Haynes, Paragraph 0053, i.e., *processing user inputs and for accessing a memory storing a plurality of data sets*; Haynes, Paragraph 0053, i.e., *a web server 12 and .. to respective web browsers of each computer associated with each respective user*; Paragraph 0052, i.e., *The computer-based system 10 includes a server for processing user inputs form user's computer to provide expert-based guidance to rent a selected truck*; Paragraph 0052, i.e., *The service responds to the user inputs by accessing a respective data set corresponding to user inputs*) "to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer comparison of the rental equipment information to the vehicle information" (Haynes, Paragraph 0052, i.e., *The service responds to the user inputs by accessing a respective data set corresponding to user inputs*; Paragraph 0054, i.e.,(b) *towing accessories that can be rented and towed vehicles with which the towing accessories can be used*; Paragraph 0054, i.e., *The first program module may also access the information on the towability of a vehicle from a towing table*). Therefore, claim 25 is not patentably distinguishable over the Haynes reference.

Referring to claims 26-29, Applicant argued that *Claims 26-29 are believed to be in condition for allowance as each is dependent from an allowable base claim* (Applicant's argument in Appeal Brief page 24 last paragraph through page 25 first paragraph).

In response, it is pointed out that since the bas claim 25 is not patentable, all the dependent claims which are dependent from said base claim are not allowable.

Referring to claim 30, Applicant argued that *The Haynes reference dose not teach or suggest means for searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information. Haynes does not use a computer-implemented method that selects the equipment based on compatible attributes between the equipment and vehicle information* (Applicant's argument in Appeal Brief page 29 second paragraph).

In response, it is pointed out that the Haynes reference dose teach "means for searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information" in paragraph 0052 as "*The computer-based system 10 includes a server for processing **user inputs** form user's computer to provide expert-based guidance to rent a selected truck*", in Paragraph 0052 as "***The service responds to the user inputs by accessing a respective data set corresponding to user inputs***", in Paragraph 0054 as "(b) towing accessories that can be rented and **towed vehicles with which the towing accessories can be used**", in Paragraph 0054 as "*The first program module may also access the information on the **towability of a vehicle** from a towing table*". Additionally, Haynes teaches a computer-implemented method that "selects the equipment based on compatible attributes between the equipment and vehicle information" in Paragraph 0052 as "*a plurality of user-accessible data sets of truck-related information including **types of trucks** and associated rental prices*", in Paragraph 0054, as",(b) towing accessories that can be rented and **towed vehicles with which the towing accessories can be used**", in Paragraph 0054 as "*The first program module may also access the information on the **towability of a vehicle** from a towing table*", in

Paragraph 0054 as “A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing **truck types, sizes, and cost for rental**”, in Paragraph 0058 as “The towing table 34 may store data structures shown, for example, in FIG. 30 for retaining vehicle, such as the sample **towability** records for specific vehicles in FIGS. 31A-31C which use data codes and comments shown in FIG. 32 for providing towability advice”, in Paragraph 0059 as “The expertise-based data set includes a table 34 of vehicle towing information. Through an Internet browser and respective ISP, a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the select vehicle is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle, with such towing advice indications being sent to the user's computer through the communication interface” and in FIG 32 as “too wide, check wheelbase, drive line too difficult disconnect, tires too large/small, check ground clearance, disconnect drive shaft, wheelbase too long”.

Still referring to claim 30, Applicant argued that Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer comparison of the rental equipment information to the vehicle information (Applicant's argument in Appeal Brief Page 29 last paragraph).

In response, it is pointed out that Haynes teaches “searching the central database based on the vehicle information retrieved from the central database” (Haynes, Paragraph 0053, i.e., processing user inputs and for accessing a memory

*storing a plurality of data sets; Haynes, Paragraph 0053, i.e., a web server 12 and .. to respective web browsers of each computer associated with each respective user; Paragraph 0052, i.e., The computer-based system 10 includes a server for processing user inputs from user's computer to provide expert-based guidance to rent a selected truck; Paragraph 0052, i.e., **The service responds to the user inputs by accessing a respective data set corresponding to user inputs**) "to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer comparison of the rental equipment information to the vehicle information" (Haynes, Paragraph 0052, i.e., **The service responds to the user inputs by accessing a respective data set corresponding to user inputs**; Paragraph 0054, i.e.,(b) towing accessories that can be rented and **towed vehicles with which the towing accessories can be used**; Paragraph 0054, i.e., The first program module may also access the information on the **towability of a vehicle** from a towing table). Therefore, claim 21 is not patentably distinguishable over the Haynes reference.*

Referring to claim 31, Applicant argued that *Claim 31 is believed to be in condition for allowance as each is dependent from an allowable base claim* (Applicant's argument in Appeal Brief page 24 last paragraph through page 31 first paragraph).

In response, it is pointed out that since the base claim 30 is not patentable, all the dependent claims which are dependent from said base claim are not allowable.

In conclusion, it is herewith repeated that claims 10-31, under 35 U.S.C. 102 (e), are unpatentable over Haynes.

(10) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully Submitted,

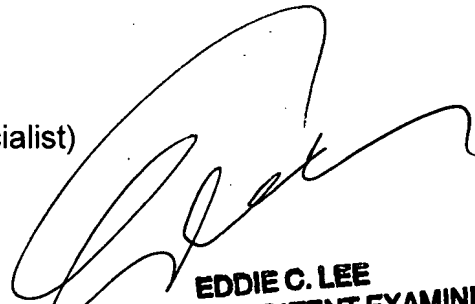


Dennis Myint
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September 18, 2007


Conferences:

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